

Honorable Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Sethy v. Victoria's Secret Stores, LLC*, No. 23 CV 3452 (RA)
Status Update to the Court

Dear Judge Abrams:

In accordance with the Court's July 19, 2023 Order, the parties write to apprise the Court of the decision issued by the New York Appellate Division, Second Judicial Department in *Grant, et al. v. Global Aircraft Dispatch, Inc.* on January 17, 2024.

The court in *Grant* reached the opposite conclusion from the First Judicial Department in *Vega v. CM & Assoc. Constr. Mgt., LLC* and held that New York Labor Law does not provide for a private right of action for violations of NYLL § 191 claims for failure to pay manual workers on a weekly basis. As far as the parties are aware, *Grant* and *Vega* are the only two intermediate appellate courts to rule on this issue and the New York Court of Appeals has not addressed the matter. *Grant* may be appealed to the New York Court of Appeals.

Due to this recent development, the parties request a continuance of the present stay for thirty (30) days to determine whether the New York Court of Appeals will hear *Grant* on appeal. If it would be helpful, the parties are also amenable to participating in a status conference with the Court on this matter.

Respectfully,

Josef Nussbaum
Counsel for Plaintiff

Kerri A. Wright
Counsel for Defendant

Application granted. SO ORDERED.



The Honorable Ronnie Abrams
U.S. District Judge
February 1, 2024